

**United States Department of the Interior
Bureau of Land Management
Vale District Office
Baker Field Office
Baker City, Oregon**

**NOTICE OF FIELD MANAGER'S FINAL DECISION
Dry Gulch Fire Emergency Stabilization and Rehabilitation Plan**

Background

The Dry Gulch Fire started on September 12, 2015, and was declared contained on October 21, 2015. The fire burned approximately 10,403 acres on Bureau of Land Management (BLM) lands, 2,478 on United States Forest Service (USFS) lands, and approximately 4,949 acres of privately owned land. The fire burned portions of 7 livestock grazing allotments, 1,252 acres of the Barnard Creek Allotment, 6,270 acres of the Immigrant Gulch Allotment, 968 acres of the Foster Gulch Allotment, 8 acres of the New Bridge Allotment, 63 acres of the Sag Creek Allotment, 1,652 acres of the Road Gulch Allotment, and 90 acres of the Posey Ditch Allotment. The fire impacted 29 miles of livestock management fences. The livestock management fences will need to be rebuilt by 2017.

BLM prepared a Dry Gulch Emergency Stabilization and Rehabilitation (ESR) Plan to submit to the BLM Washington Office for funding approval. This plan includes all of the proposed treatments for the Dry Gulch Fire burned area.

To analyze this plan under the National Environmental Policy Act (NEPA), BLM reviewed a Determination of NEPA Adequacy (DNA) checklist (DOI-BLM-ORWA-V000-2016-0007-DNA) and determined that the 2005 Vale District Normal Emergency Stabilization and Rehabilitation Plan Environmental Assessment (EA) #OR-030-05-005 presented an adequate analysis of the same treatments proposed for Dry Gulch. Issues related to noxious weeds and big game winter range habitat present on the Dry Gulch Fire are many of the same issues considered in the 2005 Vale District Normal Emergency Stabilization and Rehabilitation Plan EA. The ESR Environmental Assessment (EA), Finding of No Significant Impact (FONSI) and Decision Record (DR) for the EA are available upon request to the Vale BLM District Office or at:

<http://www.blm.gov/or/districts/vale/plans/plans-details.php?id=2976>.

If you wish to obtain hard copies of these documents, they are available upon request to the Vale District BLM office at (541) 473-3144.

FINAL DECISION

I have determined that the vegetation, soil and other resources on the public lands are at immediate risk of erosion and other damage due to the effects of the Dry Gulch Fire.

DOI-BLM-ORWA-V000-2016-0007-DNA addressed the treatments identified in the Dry Gulch ESR Plan and I have determined that the treatments have been adequately analyzed in the Vale District Normal Emergency Stabilization and Rehabilitation Plan EA (2005). The treatments are a subset of the treatments proposed in the EA, and I have determined that the DNA is sufficient.

Based on analysis and input from my staff, it is my final decision to implement the treatments as listed in the Dry Gulch ESR plan. This decision is effective immediately due to the immediate risk of erosion and the threat to wildlife, specifically the likelihood of the loss of mountain shrub habitat to invasive annual grasses if they are not treated. My decision is issued under 43 Code of Federal Regulations (CFR) § 4190.1(a), which states: Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision.

SUMMARY OF PROPOSED ACTIONS

Emergency stabilization actions would include:

1) Application of Herbicides to Control Weeds. Approximately 100 acres of the Dry Gulch burned area would be treated with herbicides including tordon and 2-4-D to control invasive rush skeletonweed and scotch thistle. Treatments would be applied by ATV sprayer and backpack sprayer.

All herbicide applications would be in conformance with label instructions and the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon Record of Decision (ROD). All design elements, mitigations, and standard operating procedures described in the ROD would be used.

2) Construction of Temporary Protective Fence and Reconstruction of Existing Fence. Approximately 1.8 miles of temporary protective fencing would be constructed to protect burned areas from domestic livestock grazing within the fire perimeter. Temporary fences would remain in place until rangeland monitoring indicates resource objectives have been attained. Approximately 29 miles of fence would be reconstructed as needed within the burned area (See Map). Fence reconstruction may be as minimal as replacing H-braces and rock cribs but may include new wires, depending on the severity of the damage caused by the fire.

3) Monitoring. Effectiveness monitoring would be implemented to determine success of the treatments applied.

4) Immigrant Gulch Riparian Stabilization. To reduce the high risk of elevated stream temperatures in the Lower Powder River due to increased sediment inputs and reduced late season flows, this plan describes three recommendations in the Immigrant Gulch riparian corridor. 1) Place wattles in three actively eroding gullies and downslope from springs to reduce sediment delivery into Immigrant Gulch, 2) Cut and drop dead riparian trees into the channel and across floodplain to reduce sediment delivery to the Lower Powder River, promote groundwater recharge for late season flows, and support riparian vegetation recovery, and 3) Lop and scatter dead shrubs for the same reasoning described in #2.

Rehabilitation actions would include:

- 1) **Bitterbrush Planting.** Hand planting approximately 1,000 acres of bitterbrush seedlings with temporary protective caging of the bitterbrush seedlings.
- 2) **Aerial Seeding.** Approximately 90 acres in the Road Gulch area would be seeded with a primarily native seed mix.
- 3) **Continued Weed Monitoring and Treatment.** Noxious weeds would be monitored and approved herbicides applied as necessary.

Rationale

Implementation of the proposed action as described in the Dry Gulch Fire ESR Plan will protect soils in the burned area, including preventing potential loss of soil due to wind and water erosion; reduce potential invasion and establishment of noxious weeds and invasive annual grass species; and prevent degradation of big game winter range. Seeding would likewise help meet established rangeland health standards in accordance with guidelines for livestock grazing and integrated vegetation management.

Areas to be seeded were identified by examining the pre-fire plant community and the burn severity. Areas where the herbaceous vegetation was completely removed and is at risk of conversion to invasive annuals or noxious weeds were targeted for seeding. Other areas were evaluated and BLM determined that the pre-burn plant community was resistant to invasive species and resilient enough to recover without the disturbance from seeding. Seeding will provide for soil stabilization and will reduce the potential invasion of big game winter range by introduced annual grass species and noxious weeds. Application of herbicides would decrease the risk of rush skeleton weed and scotch thistle expanding within the Dry Gulch Fire perimeter.

The proposed temporary fence will be used in conjunction with existing fences to protect treatment areas from grazing. This fencing and subsequent rest from grazing will allow for plants to recover from the effects from the fire. Vegetation establishment will help reduce the risk that invasive annual forbs pose to critical big game winter range habitat and provide for soil stabilization.

Control of noxious weeds is consistent with the management plans for the resource and will help protect the ecological integrity, biodiversity, and site productivity of this shrub-steppe plant community. Working cooperatively with local weed management groups and private landowners will achieve better weed management.

Livestock grazing may not occur for a minimum of two growing seasons in pastures that burned. The amount of rest is dependent upon monitoring results of fire severity, vegetation recovery, and percentage of pasture burned.

Agreements or separate grazing decisions will be issued to close areas to livestock grazing when necessary.

AUTHORITY

Authority for the stabilization and rehabilitation wildfire decisions is found under 43 Code of Federal Regulations (CFR) 4190.1 Effect of wildfire management decision (a) Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately. Wildfire management includes but is not limited to: (1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and, (2) Projects to stabilize and rehabilitate lands affected by wildfire. Under these regulations, implementation of projects to stabilize and rehabilitate lands such as seeding (aerial and drilling), planting, weed treatments (aerial and ground), erosion control, road maintenance and protection, fence maintenance and reconstruction, and range improvement reconstruction will be effective upon the date of the authorized officer's signature.

This wildfire management decision is issued under 43 CFR 4190.1 and is effective immediately. The BLM has made the determination that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire. Thus, notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. Appeal of this decision may be made to the Interior Board of Land Appeals in accordance with 43 CFR 4.410. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed as contained in 43 CFR 4.416.6.

RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the **Baker Field Office, 3100 H Street, Baker City, Oregon, 97814** within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

A petition for stay is required to show sufficient justification based on the standards listed below.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

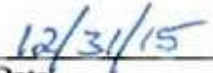
Persons named in the *Copies sent to:* sections of this decision are considered to be persons “named in the decision from which the appeal is taken.” Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.413(a) & 43 CFR 4.21(b)(3)) and the appropriate Office of the Solicitor (see 43 CFR 4.413(a), (c)) **Office of the Solicitor, US Department of the Interior, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205**, at the same time the original documents are filed with this office. For privacy reasons, if the decision is posted on the internet, the *Copies sent to:* section will be attached to a notification of internet availability and persons named in that section are also considered to be persons “named in the decision from which the appeal is taken.”

Any person named in the decision, *Copies sent to:* section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.21(b) for procedures to follow.

If you have any questions regarding this project, please contact the Project Lead, Mitch Thomas, at the Baker Field Office at 541-523-1423.



Marc E. Pierce
Acting Baker Field Manager



Date